

Upon these principles the writ of *feri facias* was framed, and in concise and general terms expressed the nature and extent of the sheriff's power and duty. The language of the execution imports, that the goods and chattels, which are the subject of it, are property of a tangible nature, capable of manual seizure, and of being detained in the sheriff's custody, and such as are conveniently capable of sale and transfer by the sheriff, to whom the writ is directed, for the satisfaction of a creditor. The legal interest in a term for years, both in respect to the possession of which the leasehold property itself is capable; and also in respect of the instrument by which the term is created and secured, both of which are capable of delivery to a vendee, has been always held to answer the description of the writ, and to be saleable thereunder. So the terms of the writ embraced all the present profits of the debtor's lands; and, consequently, any crop, although it then grew upon and was considered as a part of the land itself, might be cut, gathered and sold. A rent service, or rent charge, both of which are regarded as realty; and a reversion, after a particular estate then in existence, and any estate for life; or the interest which a husband holds, *jure uxoris*, during coverture might, under the statute of 1285, be extended by *elegit*; and therefore a lien attached upon all such freehold interests from the date of the judgment. (*f*)

That the stock of a turnpike company, or of a canal company, must, upon common law principles, be considered as real estate is sufficiently clear; but whether such stock may be extended as such under an *elegit*, or may be sold under a *feri facias*, is not so certain. In England such stock is commonly declared to be real estate by the act of incorporation itself; (*g*) but here it has, in several instances, been declared to be personal property. It would seem, that even considered as realty, no lien would attach on obtaining a judgment against the holder unless it could be shewn, that it might be taken in execution; but for that I have met with no authority. If on the other hand such stock should be considered as personalty, then it is clear, even supposing it could be taken in execution, that no lien would arise from the judgment but merely from the execution. (*h*) It is, however, certain, that

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(*f*) 2 Inst. 394; Underhill v. Devereux, 2 Saund. 69; Arbuckle v. Cowtan, 3 Bos. & Pull. 322; Scott v. Scholey, 8 East. 467; Gilb. Execu. 39; Powel Mortg. 255, note K, 599, note W.—(*g*) Powel Mortg. 24, note.—(*h*) Shaw v. Wright, 3 Ves. 22; Knapp v. Williams, 4 Ves. 430, note. It has been since provided by the act of 1832, ch. 307, that under a *feri facias*, or attachment, any interest which the defendant